

The Honorable Robert J. Bryan

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK
NWAUZOR, FERNANDO AGUIRRE-
URBINA, individually and on behalf of all
those similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

No. 17-cv-05769-RJB

FIRST AMENDED CLASS
ACTION COMPLAINT FOR
DAMAGES

I. NATURE OF ACTION

1.1. Plaintiffs bring this class action on behalf of all civil immigration detainees who performed work for The GEO Group, Inc. (“GEO”) at its Northwest Detention Center (“NWDC”) in Tacoma, Washington at any time during the three years prior to the filing of the initial complaint in this action and thereafter.

1.2. Plaintiffs seek to recover wages under the Washington Minimum Wage Act (“MWA”), RCW 49.46, *et seq.*, as well as other damages allowable under state law, for the wages that GEO denied them and the class they represent.

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II. JURISDICTION AND VENUE

2.1. This Court has jurisdiction of Plaintiffs' claims pursuant to 28 U.S.C. § 1332(d). The class that Plaintiffs propose to represent includes more than 100 members, one or more members of the putative class are citizens of a foreign state or a different State than Defendant, and the amount in controversy in the matter exceeds the sum of \$5,000,000.

2.2. Venue is proper in this district because all or a substantial part of the relevant acts and omissions alleged herein took place in Pierce County in the Western District of Washington.

III. PARTIES

3.1. Plaintiff Ugochukwu Goodluck Nwauzor resides in Kent, Washington, and was detained at NWDC in Tacoma, Washington, from approximately February 2016 until January 2017. Mr. Nwauzor is a citizen of Nigeria, but was granted asylum by the United States in approximately January 2017.

3.2. Plaintiff Fernando Aguirre-Urbina resides at NWDC in Tacoma, Washington, where he has been detained since around September 2012. Mr. Aguirre-Urbina is a citizen of Mexico.

3.3. Defendant GEO is a for-profit corporation incorporated under the laws of Florida and transacting business in Pierce County, Washington. GEO is an employer under the MWA.

IV. FACTUAL ALLEGATIONS

4.1. GEO is a for-profit corporation providing correctional, detention, and community reentry services. GEO's 2016 revenues were over \$2 billion, and its stock is

1 publicly traded on the New York Stock Exchange.

2 4.2. Since 2005, GEO has owned and operated NWDC, which is a 1,500 bed
3 immigration detention facility in Tacoma, Washington.

4 4.3. GEO contracts with the U.S. Immigration and Customs Enforcement (“ICE”)
5 for the detention of adult civil detainees, who are awaiting resolution of various immigration
6 matters. GEO’s contract with ICE requires GEO to comply with state and local laws.

7 4.4. Rather than hire from the local workforce, GEO relies upon captive detainee
8 workers to clean, maintain, and operate NWDC.

9 4.5. GEO’s NWDC Detainee Handbook describes detainee work assignments as
10 including kitchen and laundry work, as well as recreation/library/barber and janitorial
11 services. The Handbook refers to these various tasks as “work” and a “job,” and references
12 “wages earned” by detainee “workers.”

13 4.6. The detainee workers are “employees,” and GEO is an “employer” under
14 Washington’s minimum wage laws. GEO employed and continues to employ the detainee
15 workers by engaging, suffering, or permitting them to work on its behalf.

16 4.7. For all of the labor they perform, GEO pays each detainee worker only \$1 per
17 day, regardless of the number of hours they worked.

18 4.8. In some cases, GEO does not pay detainee workers at all, compensating them
19 instead with more and better food than the facility’s standard fare.

20 4.9. GEO does not pay and has not paid detainee workers the state minimum wage
21 for the hours they worked at NWDC.

22 4.10. Plaintiffs have performed work for GEO at NWDC and have not been paid the
23 state minimum wage for the work they performed.

1 4.11. The current hourly minimum wage in Washington is \$11.50 per hour.

2 4.12. GEO's pay policies violate Washington minimum wage laws.

3 **V. CLASS ALLEGATIONS**

4 5.1. Plaintiffs seek to represent all civil immigration detainees who perform or
5 have performed work for GEO at NWDC at any time during the three years prior to the filing
6 of the initial complaint in this matter and thereafter.

7 5.2. This action is properly maintainable as a class action under Fed. R. Civ. P.
8 23(a) and (b)(3).

9 5.3. Pursuant to Rule 23(a)(1), the class as described is so numerous it is
10 impracticable to join all of the class members as named Plaintiffs.

11 5.4. Pursuant to Rule 23(a)(2), there are common questions of law and fact
12 including, but not limited to, whether (a) GEO is an "employer" under the MWA, (b) the
13 detainee workers are "employees" under the MWA, and (c) whether GEO violated the MWA
14 by failing to pay detainee workers the statutory minimum wage.

15 5.5. Pursuant to Rule 23(a)(3), the named Plaintiffs' claims are typical of the
16 claims of all class members and of GEO's anticipated defenses to their claims.

17 5.6. The named Plaintiffs will fairly and adequately protect the interests of the
18 class as required by Rule 23(a)(4).

19 5.7. Pursuant to Rule 23(b)(3), class certification is appropriate here because
20 questions of law or fact common to members of the class predominate over any questions
21 affecting only individual members and because a class action is superior to other available
22 methods for the fair and efficient adjudication of this controversy.

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1 **VI. LEGAL CLAIM**

2 **VIOLATION OF THE WASHINGTON MINIMUM WAGE ACT**

3 6.1. Plaintiffs and the proposed class members are “employees” under
4 RCW 49.46.010(3).

5 6.2. Defendant is an “employer” within the meaning of RCW 49.46.010(4).

6 6.3. Defendant’s practice of paying subminimum wages to Plaintiffs and the
7 proposed class members violates RCW 49.46.020.

8 6.4. Plaintiffs and the proposed class have been harmed by Defendant’s practice of
9 paying subminimum wages, and they are entitled to damages in amounts to be proven at trial.

10 **VII. RELIEF REQUESTED**

11 In light of the above, Plaintiffs pray that the Court grant them the following relief:

- 12 1. Certify this case as a class action;
- 13 2. Damages for lost wages in amounts to be proven at trial;
- 14 3. Attorneys’ fees and costs pursuant to RCW 49.46.090 and RCW 49.48.030;
- 15 4. Prejudgment interest; and
- 16 5. Such other relief as is just and proper.

17 DATED this 13th day of June, 2018.

18 **SCHROETER GOLDMARK & BENDER**
19 *s/ Jamal N. Whitehead*

Adam J. Berger, WSBA #20714
Lindsay L. Halm, WSBA #37141
Jamal N. Whitehead, WSBA #39818
810 Third Avenue, Suite 500
Seattle, WA 98104
Tel: (206) 622-8000
Fax: (206) 682-2305
berger@sgb-law.com
halm@sgb-law.com
whitehead@sgb-law.com

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THE LAW OFFICE OF R. ANDREW FREE
Andrew Free (Admitted *Pro Hac Vice*)
PO Box 90568
Nashville, TN 37209
Tel: (844) 321-3221
Fax: (615) 829-8959
andrew@immigrantcivilrights.com

SUNBIRD LAW, PLLC
Devin T. Theriot-Orr, WSBA # 33995
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154-1003
Tel: (206) 962-5052
Fax: (206) 681-9663
devin@sunbird.law

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Devin T. Theriot-Orr
SUNBIRD LAW, PLLC
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154-1003
devin@sunbird.law

Attorney for Plaintiff

Joan K. Mell
III BRANCHES LAW, PLLC
1019 Regents Boulevard, Suite 204
Fircrest, WA 98466
joan@3brancheslaw.com

Attorney for Defendant

Andrea D'Ambra
NORTON ROSE FULBRIGHT US LLP
1301 Avenue of the Americas
New York, NY 10019
andrea.dambra@nortonrosefulbright.com

Attorney for Defendant

R. Andrew Free
THE LAW OFFICE OF R. ANDREW FREE
PO Box 9058
Nashville, TN 37209
andrew@immigrantcivilrights.com

Attorney for Plaintiff

Mark Emery
NORTON ROSE FULBRIGHT US LLP
799 9th Street, Suite 1000
Washington, D.C. 20001
mark.emery@nortonrosefulbright.com

Attorney for Defendant

Charles A. Deacon
NORTON ROSE FULBRIGHT US LLP
300 Covent St.
San Antonio, TX 78205
charles.deacon@nortonrosefulbright.com

Attorney for Defendant

DATED at Seattle, Washington this 13th day of June, 2018.

s/ Sheila Cronan

Sheila Cronan, Paralegal
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104
Tel: (206) 622-8000
Fax: (206) 682-2305
cronan@sgb-law.com